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THIRTY-FIRST LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 10, 2010

Senate Chamber

President Little called the Senate to order at 11:15 a.m.

Roll call showed all members present except Senator Davis, absent and formally excused by the Chair; and Senators LeFavour and Pearce, absent and excused.

Prayer was offered by Senator Dean Mortimer.

The Pledge of Allegiance was led by Rebecca Powell, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 9, 2010, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators LeFavour and Pearce were recorded present at this order of business.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 10, 2010

The JUDICIARY AND RULES Committee reports that [S 1328](#), [S 1329](#), [S 1330](#), [S 1331](#), [S 1332](#), [S 1333](#), and [SJM 103](#) have been correctly printed.

DARRINGTON, Chairman

On request by Senator Goedde, granted by unanimous consent, [SJM 103](#) was referred to the Education Committee.

[S 1328](#) was referred to the Resources and Environment Committee.

[S 1329](#) and [S 1330](#) were referred to the Judiciary and Rules Committee.

[S 1331](#), [S 1332](#), and [S 1333](#) were referred to the Agricultural Affairs Committee.

February 9, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1268](#) was delivered to the Office of the Governor at 2 p.m., February 9, 2010.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 9, 2010

The HEALTH AND WELFARE Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Tammy Perkins to the State Board of Health and Welfare, term to expire January 7, 2014.

LODGE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 9, 2010

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Joy Fisher to the Public Employee Retirement System of Idaho, term to expire July 1, 2014.

ANDREASON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 9, 2010

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1248](#), [S 1250](#), [S 1251](#), and [S 1323](#) with the recommendation that they do pass.

ANDREASON, Chairman

[S 1248](#), [S 1250](#), [S 1251](#), and [S 1323](#) were filed for second reading.

February 9, 2010

The TRANSPORTATION Committee reports out [H 397](#) with the recommendation that it do pass.

MCGEE, Chairman

[H 397](#) was filed for second reading.

February 10, 2010

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Bob Bolinder to the Idaho Commission on Human Rights, term to expire July 1, 2012.

Charles Hedemark to the Idaho Energy Resources Authority, term to expire June 30, 2014.

Dyke Nally as Director of the Idaho State Liquor Division, term to expire January 2, 2013.

Gary Sayler as Adjutant General of the Idaho Military Division, term to continue at the pleasure of the Governor.

Tom Kealey to the Idaho Endowment Fund Investment Board, term to expire April 13, 2013.

MCKENZIE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 10, 2010

The STATE AFFAIRS Committee reports out [H 412](#), [H 413](#), and [H 437](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 412](#), [H 413](#), and [H 437](#) were filed for second reading.

February 10, 2010

The EDUCATION Committee reports out [S 1305](#) with the recommendation that it do pass.

GOEDDE, Chairman

[S 1305](#) was filed for second reading.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 9, 2010

Dear Mr. President:

I transmit herewith [HJM 10](#) and [H 391](#), as amended, which have passed the House.

ALEXANDER, Chief Clerk

[HJM 10](#) and [H 391](#), as amended, were filed for first reading.

February 9, 2010

Dear Mr. President:

I transmit herewith Enrolled [H 406](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 406](#) and ordered it returned to the House.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1334

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO INSURANCE CONTRACTS; AMENDING CHAPTER 18, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1849, IDAHO CODE, TO PROVIDE REQUIRED COVERAGE FOR PROSTHETIC DEVICES FOR CERTAIN CONDITIONS.

S 1335

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO IMMUNIZATION; AMENDING SECTION 39-4803, IDAHO CODE, TO REMOVE LANGUAGE REGARDING A VOLUNTARY IMMUNIZATION REGISTRY, TO REMOVE A CERTAIN AUTHORIZATION REQUIREMENT FOR INCLUSION IN THE REGISTRY, TO PROVIDE FOR EXCLUSION FROM THE REGISTRY UPON A CERTAIN STATEMENT THAT MAY NOT BE PART OF A GENERAL AUTHORIZATION OR RELEASE, TO CLARIFY THE PURPOSES FOR WHICH THE REGISTRY SHALL BE MAINTAINED AND FOR WHICH THE REGISTRY INFORMATION SHALL BE DISCLOSED, TO CLARIFY THAT CERTAIN INFORMATION SHALL BE INCLUDED IN THE REGISTRY AND TO CLARIFY THAT DISCLOSURE OF REGISTRY INFORMATION SHALL BE LIMITED TO CERTAIN PERSONS.

S 1336

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES AND RULES OF THE ROAD; AMENDING SECTION 49-613, IDAHO CODE, TO PROVIDE FOR APPLICATION OF LAW, TO PROVIDE THAT NO VEHICLE SHALL BE OPERATED ON ANY PUBLIC HIGHWAY UNLESS SUCH VEHICLE'S LOAD IS SECURELY FASTENED OR COVERED TO PREVENT THE LOAD FROM BECOMING LOOSE, DETACHED OR BECOMING A HAZARD TO OTHER HIGHWAY USERS, TO PROVIDE FOR EXCEPTIONS, TO PROVIDE THAT NO PERSON MAY OPERATE A VEHICLE ON A PUBLIC HIGHWAY WITH ANY LOAD UNLESS THE LOAD AND CERTAIN COVERING IS SECURELY FASTENED TO PREVENT THE COVERING OR LOAD FROM BECOMING LOOSE, DETACHED OR BECOMING A HAZARD TO OTHER HIGHWAY USERS, TO PROVIDE THAT ANY VEHICLE OPERATING ON A PAVED PUBLIC HIGHWAY WITH A LOAD OF DIRT, SAND OR GRAVEL SUSCEPTIBLE TO BEING DROPPED, SPILLED, LEAKED OR OTHERWISE ESCAPING FROM THE VEHICLE SHALL BE COVERED TO PREVENT SPILLAGE AND TO PROVIDE FOR EXCEPTIONS.

S 1337

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO MOTOR CARRIER SAFETY INSPECTIONS; AMENDING SECTION 67-2901B, IDAHO CODE, TO PROVIDE THAT CERTAIN INTRASTATE MOTOR CARRIERS SHALL BE SUBJECT TO CERTAIN SAFETY INSPECTIONS, TO REVISE PROVISIONS RELATING TO EXEMPTIONS FROM CERTAIN SAFETY INSPECTIONS FOR CERTAIN INTRASTATE MOTOR CARRIERS AND TO PROVIDE FOR A CODE REFERENCE.

S 1338

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 2, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-212, IDAHO CODE, TO PROVIDE EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN, TO PROVIDE FINDINGS AND PURPOSE, TO PROVIDE RULEMAKING AUTHORITY AND TO PROVIDE FOR A RESPONSIBLE INDIVIDUAL.

[S 1334](#), [S 1335](#), [S 1336](#), [S 1337](#), and [S 1338](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[HJM 10](#), by Transportation and Defense Committee, was introduced, read at length, and referred to the State Affairs Committee.

[H 391](#), as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1308](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[S 1265](#) and [S 1266](#), by Resources and Environment Committee, were read the second time at length and filed for third reading.

[S 1310](#), [S 1313](#), [S 1314](#), and [S 1315](#), by Health and Welfare Committee, were read the second time at length and filed for third reading.

[S 1306](#), by Education Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1302](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Andreason, Davis. Total - 2.

Total - 35.

Whereupon the President declared [S 1302](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1296](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde,

Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Andreason, Davis. Total - 2.

Total - 35.

Whereupon the President declared [S 1296](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1297](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 31.

NAYS—Corder, Keough. Total - 2.

Absent and excused—Andreason, Davis. Total - 2.

Total - 35.

Whereupon the President declared [S 1297](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 388](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Davis. Total - 1.

Total - 35.

Whereupon the President declared [H 388](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Stegner, granted by unanimous consent, [S 1299](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1307](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly,

Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Davis. Total - 1.

Total - 35.

Whereupon the President declared [S 1307](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1301](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Davis. Total - 1.

Total - 35.

Whereupon the President declared [S 1301](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 439](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Davis. Total - 1.

Total - 35.

Whereupon the President declared [H 439](#) passed, title was approved, and the bill ordered returned to the House.

[H 440](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague,

McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Davis. Total - 1.

Total - 35.

Whereupon the President declared [H 440](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Stegner, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:06 p.m. until the hour of 11:15 a.m., Thursday, February 11, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary